

Senate Study Bill 3079 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

- 1 An Act relating to kidnapping, and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.3, Code 2014, is amended to read as
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim
5 for ransom, or where the kidnapper is armed with a dangerous
6 weapon, or where the victim is sixteen years of age or younger
7 and is not a violation of section 710.5, is kidnapping in the
8 second degree. Kidnapping in the second degree is a class "B"
9 felony.

10 2. For purposes of determining whether the person should
11 register as a sex offender pursuant to the provisions of
12 chapter 692A, the fact finder shall make a determination as
13 provided in section 692A.126.

14 Sec. 2. Section 710.4, Code 2014, is amended to read as
15 follows:

16 **710.4 Kidnapping in the third degree.**

17 1. All other kidnappings are kidnappings in the third
18 degree. Kidnapping in the third degree is a class "C" felony
19 except as provided in subsection 2.

20 2. a. If a person is convicted of kidnapping in the third
21 degree and the person has a previous conviction for kidnapping,
22 the person is guilty of a class "B" felony.

23 b. In determining if a violation charged is a previous
24 conviction for purposes of criminal sentencing under this
25 subsection, a conviction in this state or under statutes
26 substantially corresponding to this section in another state,
27 or in a federal, military, tribal, or foreign court, shall be
28 counted as a previous conviction. A previous conviction also
29 includes a juvenile who has been adjudicated delinquent but
30 whose juvenile court records have been sealed under section
31 232.150, a juvenile prosecuted as an adult, and a person who
32 has received a deferred sentence or deferred judgment.

33 3. For purposes of determining whether the person should
34 register as a sex offender pursuant to the provisions of
35 chapter 692A, the fact finder shall make a determination as

1 provided in section 692A.126.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill changes the definition of kidnapping in the second
6 degree to include any kidnapping where the victim is 16 years
7 of age or younger and the kidnapping is not child stealing
8 in violation of Code section 710.5. A person who commits
9 kidnapping in the second degree commits a class "B" felony. A
10 class "B" felony is punishable by confinement for no more than
11 25 years. Kidnapping in the second degree is also classified
12 as a 70 percent sentence under Code section 902.12.

13 A person who commits kidnapping in the second degree may
14 also be required to register as a sex offender if the fact
15 finder makes a determination that the kidnapping was sexually
16 motivated under Code section 692A.126.

17 The bill also enhances the penalty for kidnapping in the
18 third degree. If a person is convicted of kidnapping in
19 the third degree and the person has a previous conviction
20 for kidnapping, the bill increases the criminal penalty for
21 kidnapping in the third degree from a class "C" felony to a
22 class "B" felony.

23 In determining if a violation charged is a previous
24 conviction for purposes of criminal sentencing under the bill,
25 a conviction in this state or under statutes substantially
26 corresponding to this Code section in another state, or in a
27 federal, military, tribal, or foreign court, shall be counted
28 as a previous conviction. A previous conviction also includes
29 a juvenile who has been adjudicated delinquent but whose
30 juvenile court records have been sealed under Code section
31 232.150, a juvenile prosecuted as an adult, and a person who
32 has received a deferred sentence or deferred judgment.